

Amendments to House Bill No. 53
1st Reading Copy

Requested by Representative Norma Bixby

For the House Judiciary Committee

Prepared by Valencia Lane
January 15, 2007 (7:56am)

1. Page 1, line 23.

Following: line 22

Insert: "(4) A certificate substantially similar to the
following must be accepted as valid under this section:
Tribal Court Child Custody Certification of Presiding Tribal
Court Judge

I,, Tribal Court Judge of the
Tribe, do hereby certify that I presided over the matter of
.....

(Name of proceeding for order sought to be enforced)
and that the attached order is entitled to be treated as an order
of a state of the United States under the Uniform Child Custody
Jurisdiction and Enforcement Act, Title 40, chapter 7, Montana
Code Annotated. The determination was made in a proceeding that
meets the requirements of section 40-7-135(3), MCA.

.....
Tribal Court Judge

.....
DATE"

2. Page 1, line 26.

Following: "order"

Insert: "only"

3. Page 1, line 27.

Following: "(a)"

Insert: "at the time"

Following: the first "the"

Strike: "issuing"

Following: "court"

Insert: "issued the order, the tribal court"

Following: "personal"

Strike: "subject matter"

Following: "over the"

Strike: "contesting party"

Insert: "parties and children"

4. Page 2, line 5.

Following: "order"

Strike: ", "

Insert: "and"

5. Page 2, line 6.

Following: "evidence"

Strike: ", and issue other appropriate orders"

6. Page 2, line 8.

Following: line 7

Insert: "(3) If the district court finds that the tribal court had personal jurisdiction over the parties and children at the time the order was issued but enforcement of the order would violate the public policy of the state, the district court shall dismiss the case contesting enforcement without prejudice. The district court may not substitute its judgment for that of the tribal court on the merits of the case."

Renumber: subsequent subsection

7. Page 2, line 9.

Following: the third "order"

Insert: "and directing appropriate enforcement of the order"

- END -